

From: [Rafael Casanova](#)
To: [Gloria-Small Moran](#)
Cc: [Carlos Sanchez](#); [Robert Werner](#); moore.gary@epa.gov
Subject: Falcon - Response to NORCO Letter on the Draft Agreed Order
Date: 09/08/2011 09:41 PM

Gloria, following are my responses to NORCO's comments on the Draft Agreed Order:

The EPA believes that approximately 75 to 85% of the field work has been completed. The majority of the work remaining is in the preparation of draft and final reports acceptable to the EPA that meet the requirements of the AOC/SOW, CERCLA statute and regulations, and the EPA's guidance/policies.

NORCO needs to submit an amended Work Plan to reflect the RI/FS schedule and TRC's implementation of the Work Plan and RI/FS. Among other requirements, the Work Plan shall include the project team and the essential requirements of a Work Plan as described in the AOC and SOW.

The EPA previously requested that NORCO/TRC provide the latest FSP, QAPP, and Work Plan previously approved by the EPA in case a decision was made to allow NORCO to resume the RI/FS. An amended Work Plan was not submitted.

A technical memorandum is similar to the language in the AOC for technical direction or more appropriately "approval with modifications" of any deliverable submitted by the PRP. Prior to the resumption of the RI/FS by NORCO under TRC's supervision, the EPA will perform a review of all documentation provided by TRC (e.g., FSP, QAPP, and Work Plan) to ensure that all of the EPA's previous comments on the deliverables prepared by Kleinfelder have been incorporated into TRC's deliverables. Any deficiencies will be addressed in an "approval letter with modifications" or "technical direction" to NORCO.

After discussions with my supervisor, we believe that all final reports related to the RI/FS shall be submitted on or before September 30, 2012.

The purpose of an oversight contractor is to assist the RPM in determining that the PRP's deliverables (e.g., FSP, QAPP, Work Plan, risk assessments, or any other deliverable required under the SOW and AOC) meet the requirements of CERCLA and the NCP, and the EPA's guidance/policies. Additionally, the purpose of the oversight contractor is to perform oversight of the field work in the absence of the RPM or to assist the RPM in the field, and also to perform "split sampling" of the samples collected by the PRP if required by the EPA. The use of an oversight contractor does not obviate the need for the federal and state trustee's involvement as they need to ensure that their respective statutory and regulatory requirements are being met by the work performed for the RI/FS. I am currently contemplating the scope of work for the oversight contractor with the use of funding from Special Account #2.

Please call me with any questions for comments.

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Assigned Sites for Investigation and Remediation: (<http://www.epa.gov/earth1r6/6sf/6sf-tx.htm>):

Brine Service Company Superfund Site (Corpus Christi, Texas)

Donna Reservoir and Canal Superfund Site (Donna, Texas)

Falcon Refinery Superfund Site (Ingleside, Texas)

Many Diversified Interests, Inc. Superfund Site (Houston, Texas)

Palmer Barge Line Superfund Site (Port Arthur, Texas)

State Marine of Port Arthur Superfund Site (Port Arthur, Texas)